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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD LEON HAMMONDS, JR.,

Defendant and Appellant.

E045879

(Super.Ct.No. RIF139562)

OPINION

APPEAL from the Superior Court of Riverside County. Craig Reimer, Judge.

Affirmed.

Cathryn E. Lintvedt, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Gary W. Schons, Assistant Attorney General, Jeffrey J. Koch and Marissa Bejarano, Deputy Attorneys General, for Plaintiff and Respondent.

Defendant, Ronald Leon Hammonds, Jr., was convicted of a single count of

willfully inflicting corporal injury on his spouse (Pen. Code,¹ § 273.5), following a jury trial, and was placed on formal probation. He appeals, asserting that there is insufficient evidence to support the conviction. Specifically, he asserts that (1) the bump on his wife's head and the scratches to her arms and neck did not qualify as "a traumatic condition," (2) there is insufficient evidence defendant caused the bruise on his wife's leg, and (3) the cigarette burns on his wife's arms were inflicted accidentally. We affirm.

BACKGROUND

Viewing the evidence in the light most favorable to the judgment, the following events occurred on July 12, 2007. At approximately 6:00 p.m., the defendant's wife came home, where a babysitter was caring for several children, some of whom were the wife's children, and some were the defendant's children. Shortly thereafter, a friend of the defendant's arrived at the house before defendant came home from work. The three sat outside, and the wife had a few beers.

Before long, the defendant drove up and was angry. He spoke to his friend about being at his home when the defendant was not there. Defendant's wife walked into the house, followed by the babysitter, and they sat on the couch in the living room. The defendant entered the house and grabbed his wife by the throat, lifting her up from the couch by the arm. He pushed her to the bedroom. He threw her on the ground, causing her to bang her head on the ground. Then he left the house in his car.

¹ All further statutory references are to the Penal Code, unless otherwise indicated.

Defendant's wife called 911 to report the incident. Sheriff's deputy Gama responded to the call by going to the residence and interviewing defendant's wife, as well as the babysitter. The wife appeared upset, and the deputy noticed she had a few injuries. The deputy observed a scratch on the left side of the wife's neck and on the left upper arm. She also had cigarette burns—three cigarette burns on the inside of her elbow, and one on her right elbow. In addition, the wife had a bruise on her leg. The injuries were fresh.

In September, 2007, the deputy went back to the residence to obtain a statement from the defendant about the incident. Defendant denied hitting his wife and stated both his wife and her friend were lying. When the deputy mentioned the burn marks that had been observed on his wife's arms, defendant admitted he burned her, but stated it was by accident.

Defendant was arrested, and was subsequently charged with one count of willfully inflicting corporal injury on his spouse. (§ 273.5.) It was further alleged that he was in violation of his probation in a misdemeanor case, RIM 385954. Defendant was tried by jury and convicted. He was placed on formal probation for three years on condition he serve 120 days in local custody, in the weekend labor program, among other terms and conditions. He appeals his conviction.

DISCUSSION

Defendant contends the evidence was insufficient to support his conviction for willfully inflicting corporal injury to his spouse. Of the four separate injuries, defendant asserts that the injury to his wife's head and the scratches on her arm did not constitute a

traumatic injury, the bruise on the leg was not shown to have been caused by defendant, and the cigarette burns to his wife's arms were accidentally inflicted. We disagree.

Any person who willfully inflicts upon a person who is his or her spouse corporal injury resulting in a traumatic condition, is guilty of a felony. (§ 273.5, subd. (a).) As used in the code section, "traumatic condition" means a condition of the body, such as a wound or external or internal injury, whether of a minor or serious nature, caused by a physical force. (§ 273.5, subd. (c).) A defendant who inflicts only "minor" injury violates the statute. (*People v. Silva* (1994) 27 Cal.App.4th 1160, 1166.) Bruising constitutes a traumatic condition within the meaning of the statutory definition of corporal injury. (*People v. Beasley* (2003) 105 Cal.App.4th 1078, 1085.)

The word "willfully" denotes a general intent offense. (*People v. Thurston* (1999) 71 Cal.App.4th 1050, 1053.) To be guilty of inflicting corporal injury on a spouse, one must only have the "purpose or willingness to commit the act," not the specific intent to inflict traumatic injury. (*Id.* at p. 1054.) The term "inflict" includes "'caus[ing] (something unpleasant) to be endured.'" (*People v. Hamlin* (2009) 170 Cal.App.4th 1412, 1428.) This has been interpreted to mean that spousal abuse can be committed by a course of conduct rather than a single act. (*People v. Thompson* (1984) 160 Cal.App.3d 220, 224-225.) Where the acts are so closely connected that they form part of one indivisible transaction, or a continuous course of conduct, the prosecution is not required to elect which act he was relying on to prove the crime charges. (*Id.* at pp. 223-225.) In cases where each individual act may not amount to a crime, but the cumulative outcome is criminal, the continuing course of abuse supports a conviction. (*Id.* at p. 225.)

On appeal, we review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence that is reasonable, credible and of solid value—from which a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt. If the verdict is supported by substantial evidence, we must accord due deference to the trier of fact and not substitute our evaluation of a witness’s credibility for that of the fact finder. (*People v. Hamlin, supra*, 170 Cal.App.4th at p. 1426.)

There is substantial evidence to support the judgment of conviction where there was ample evidence that defendant’s wife suffered an injury resulting in a “traumatic condition” as a result of defendant’s willful infliction of corporal injury. The evidence showed the defendant, while angry, grabbed his wife by the throat and arm, choking her, pulled her up from the couch, and pushed her into the bedroom. This conduct left scratches on the wife’s neck and arm. There were multiple cigarette burns on both of the victim’s arms. The defendant also threw her on the ground, causing her to bang her head on the ground.

Defendant argues that there was no evidence of a traumatic condition because his wife did not suffer any head injury, and because the scratches were minor. He argues there was evidence of a traumatic injury to his wife’s leg, but no evidence defendant caused it. He also argues there was no evidence the cigarette burns were willfully caused, given his statement that they were accidentally inflicted. These arguments suggest the prosecution was required to establish all the elements of the crime of corporal injury to a spouse as to each discrete injury. That is not the law.

Even though each individual act may not amount to a crime, the cumulative outcome, based on the entire course of conduct, establishes the elements of the crime. (*People v. Thompson, supra*, 160 Cal.App.3d at p. 225.) We also note that because the jury rejected the defendant's explanation that the cigarette burns were accidental, we cannot disturb that finding. The number of burns and the fact they appeared on both arms, undermines any suggestion they were accidentally inflicted. The evidence that defendant grabbed his wife by the throat and arm, in anger, and forced her into the bedroom where he threw her down demonstrates the acts were willful, not accidental. There is no requirement that a defendant have a separate intent to cause or bring about injury. (*People v. Thurston, supra*, 71 Cal.App.4th at p. 1055.) A defendant may be found guilty of violating section 273.5, subdivision (a), if he willfully used force against his spouse, even if he did not specifically intend to cause the traumatic injury. (*People v. Campbell* (1999) 76 Cal.App.4th 305, 308.)

The fact the defendant's wife did not seek medical treatment does not negate the evidence that she suffered injuries, albeit minor injuries. Nevertheless, the Legislature has expressed an intent to criminalize even minor injuries by including them within the definition of "traumatic condition." (§ 273.5, subd. (c).) In this respect, the present case is easily distinguished from that of *People v. Abrego* (1993) 21 Cal.App.4th 133, where the record "disclose[d] no evidence of even a minor injury." (*Id.* at p. 138.)

Substantial evidence supports the conviction.

DISPOSITION

The judgment is affirmed.

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s/Gaut
J.

We concur:

s/Richli
Acting P. J.

s/Miller
J.